

14 June 1968

MEMORANDUM FOR THE RECORD

**SUBJECT: Prepared Statement on S. 1035 of John W. Macy, Chairman,
Civil Service Commission, Before the House Subcommittee
on Manpower and Civil Service**

1. Chairman Macy's prepared statement of his remarks before the House Subcommittee on Manpower and Civil Service in connection with S. 1035 and H.R. 17760 developed several interesting points which may possibly be the subject of questions for the Director during his appearance before that Subcommittee.

2. Chairman Macy stated that the Civil Service Commission had revised the procedures relating to involuntary disability retirement to eliminate certain objectionable features which apparently had been brought to the Commission's attention earlier by a complaint to the Ervin Constitutional Rights Subcommittee. The improvements included making the determining medical evaluation information available to the affected employee or his personal physician and granting the employee the right to contest that decision. This raises the possibility that the Director may be questioned as to what procedure is followed within the Agency in connection with involuntary disability retirement cases under the Civil Service retirement system or the CIA retirement system.

3. Chairman Macy mentioned the procedures relating to anti-discrimination in employment under 5 U.S.C. 7151, etc., as supplemented by FPM (Part 713). It appears that the Agency in this connection is at least partially subject to outside review and appeal proceedings to which the right of counsel obtains. This means that there is at least one precedent for subjecting the Agency to outside review and in the proceedings the right of counsel obtains.

4. Chairman Macy also placed in the record the new forms for "application for Federal employment" and "personnel qualification statement" which were revised to eliminate questions which either appear to unnecessarily invade the applicants rights of privacy or constitutional rights. This raises the possibility of questions concerning the Agency's forms and explanation of why they differ from Civil Service forms, if they do.

[Redacted]
Office of Legislative Counsel

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